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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINKLEY, JACQUELINE T. ILADUN,  
MARILYN J. CRAIG, JEFFERY P.  
CLEVINGER, and TIMOTHY C.  
KAUFMANN, individually and on behalf of  
those similarly situated,  
  
Plaintiffs,  
  
vs.  
  
MICRON ELECTRONICS, INC., a Minnesota  
corporation,  
  
Defendant.

Case No. CIV 01-0244-S-BLW  
**AFFIDAVIT OF DAVID J. GROEGER**

STATE OF IDAHO )  
County of Ada ) ss.  
County of Ada )

I, David J. Groeger, being first duly sworn, state that the following facts are true and correct and based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

1. I was employed by Micron Electronics, Inc. ("Micron Electronics") in September of 1996. From approximately September of 1996 to August of 1997, I worked for Micron Electronics as a Direct Response Group inside sales representative in Consumer sales. From approximately September of 1997 to February of 1999, I worked for Micron Electronics as a Direct Response Group sales trainer in Consumer sales.

2. From approximately February of 1999 to February of 2001, I worked for Micron Government Computer Systems, Inc. ("MGCS") as a State, Local and Education inside sales representative in Government sales. From approximately March of 2001 through May of 2001, I worked for MGCS as a State and Local supervisor in Government sales.

3. I no longer work for any company owned or operated by Micron Electronics.

4. As a supervisor, one of my responsibilities was to make sure timekeeping and overtime policies were observed by inside sales representatives. When I was an inside sales representative, I was subject to the same timekeeping and overtime policies. I have read and reviewed the overtime policy in the Team Member Handbook and the overtime and timekeeping policies in the Employment Policy Manual, and the policies are consistent with the practices I employed as a supervisor and adhered to as an inside sales representative. I understood that it was my responsibility to know the policies and to abide by them.

5. As a State and Local supervisor in Government sales, I understood that MGCS was a separate subsidiary with its own compensation plan, commissions, incentives, business

hours and customers. We serviced customers who were state and local government entities.

Inside sales representatives under my supervision worked four shifts from 6:00 a.m. to 3:00 p.m., 7:00 a.m. to 4:00 p.m., 8:00 a.m. to 5:00 p.m. and 9:00 a.m. to 6:00 p.m. I supervised approximately five inside sales representatives.

6. It was my responsibility to advise inside sales representatives on the status of overtime hours. I informed inside sales representatives when overtime was mandatory, optional or limited, based on the time of year or volume of calls.

7. As a supervisor, I approved all overtime that was submitted by inside sales representatives under my supervision. I reviewed their weekly timesheets on a semi-regular basis, approximately 60% of the time. I never altered an inside sales representative's timesheet for the purpose of reducing overtime hours.


8. I never told inside sales representatives under my supervision to work off the clock. None of the inside sales representatives under my supervision ever told me they were working off the clock or not recording all of their work time.

9. I supervised Kurt A. Swanson, one of the inside sales representatives who is involved in this lawsuit against Micron Electronics. If Mr. Swanson did work off the clock, it was without my knowledge, as he never informed me that he was not accurately recording his time. I never told Mr. Swanson to work off the clock.


10. When I worked as an inside sales representative, I recorded and was paid for all of the overtime I worked. I did not work off the clock, nor was I told or pressured to work off the clock by any of my supervisors.

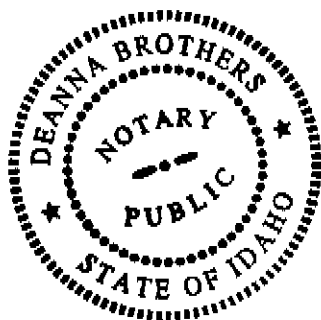
11. As an inside sales representative, my supervisor approved all of the overtime I submitted. I was trained on how to record all of the time I worked. I understood it was my responsibility to accurately record my time. To my knowledge, my supervisors never altered my timesheets for the purpose of reducing my overtime hours.

DATED this 21<sup>st</sup> day of August, 2002.

  
David J. Groeger

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of August, 2002.

  
Notary Public for Idaho  
Residing in: Boise Idaho  
My Commission Expires: 08/19/06




CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of August, 2002, a true and correct copy of the foregoing **AFFIDAVIT OF DAVID J. GROEGER** was served on the following individuals by the manner indicated:

William H. Thomas  
Daniel E. Williams  
HUNTLEY, PARK, THOMAS,  
BURKETT, OLSEN & WILLIAMS  
250 S. Fifth Street, Suite 660  
Boise, Idaho 83701-2188

☒ By Hand Delivery  
☐ By Facsimile  
☐ By U.S. Mail  
☐ By Overnight Delivery

  
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Kim J. Dockstader